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IN THE

Supreme Court of the United States

OCTOBER TERM, 1969

EDGAR D. WHITCOMB, Governor of the State of Indiana,
Appellant,

v.

PATRICK CHAVIS, ANDREW RAMSEY, MASON BRYANT, ROWLAND ALLEN, WILLIAM WALKER, JR., MARILYN HOTZ,
Appellees.

On Appeal from the United States District Court
for the Southern District of Indiana,
Indianapolis Division

JURISDICTIONAL STATEMENT

(As Supplemented by Jurisdictional Statement Filed in the Supreme Court of the United States, Cause No. 735, October Term, 1969)

NOTE

This cause was initiated on January 9, 1969, by filing a complaint in the United States District Court for the Southern District of Indiana, Indianapolis Division. The complaint challenged the constitutionality of the multi-member districting provisions of the Indiana Apportionment Acts of 1965 and prayed for injunctive relief. After the district court dismissed as defendants the Indiana General assembly and its indicated members, appellant here re-

mained as the principal defendant in that action. On July 28, 1969, the district court entered its judgment declaring the Indiana Apportionment Acts of 1965 unconstitutional. Appellant here, appealed the judgment of the district court of July 28, 1969. The appeal was docketed in this Court on October 13, 1969, under Cause No. 735, October Term, 1969.

On December 15, 1969, the district court entered a judgment enjoining appellant and all state election officials from conducting the 1970 general election for the state legislature under the Indiana Apportionment Acts of 1965, previously declared unconstitutional by the district court. The district court reapportioned the state and as a part of its judgment of December 15, 1969, directed that appellant and all state election officials conduct the 1970 general elections for the state legislature in accordance with the district court's plan of reapportionment.

The appeal in this cause is a continuation of the appeal from the district court's judgment of July 28, 1969, docketed in this court on October 13, 1969, Cause No. 735, October Term, 1969.

The Jurisdictional Statement in this cause is an abbreviated form of the requirements of Rule 15 of this Court. This Jurisdictional Statement is a continuation of the Jurisdictional Statement previously filed in this cause by Appellant under Cause No. 735, October Term, 1969, and must be read in conjunction with the Jurisdictional Statement previously docketed with this Court, for a full understanding of this cause. To this end Appellant will move to consolidate this cause with Cause No. 735, October Term, 1969.

OPINION BELOW

On December 15, 1969, the United States District Court for the Southern District of Indiana, Indianapolis Division,

the court below, entered its judgment enjoining Appellant and all state election officials from conducting any primary, general or special elections for the offices of Indiana State Senator or Indiana State Representative by use of the districts created by the Indiana Acts of 1965, declared unconstitutional by the district court in its judgment of July 28, 1969. The district court also mandated Appellant and all state election officials to conduct all primary, general and special elections during the year 1970 for the offices of Indiana State Senator or Indiana State Representative in accordance with the district court's judgment of December 15, 1969, by use of the districts created and described in the district court's judgment. Further, the district court retained jurisdiction of this cause for the purpose of passing upon any future claims of unconstitutionality made by plaintiffs (appellees here) against any future legislative apportionment adopted by the General Assembly of Indiana by reason of the district court's order. The opinion of the district court is as yet unreported, but may be found in Appellant's Appendix To Jurisdictional Statement.

The district court issued an opinion along with its judgment of July 28, 1969. That opinion is also unreported as yet. It may be found in Appendix A, Appendices to Jurisdictional Statement, Cause No. 735, October Term, 1969.

STATEMENT OF GROUNDS ON WHICH JURISDICTION IS INVOKED

This action was initiated by the filing of a complaint for a Declaratory Judgment as provided in 28 U.S.C.A. § 2201, seeking declaratory relief. The suit challenged the constitutionality of the multi-member districting provisions of the Legislative Apportionment Statutes of Indiana, Indiana Acts of 1965 (2d Spec. Sess.) ch. 5, § 3 and ch. 4, § 3, as

found in Burns (1968 Repl.) §§ 34-104 and 34-102, respectively, as they related to Marion County, State of Indiana.

The district court's jurisdiction to entertain this cause was predicated on 28 U.S.C.A. § 1343, providing that district courts have original jurisdiction of any civil action authorized by law to be commenced by any person to redress the deprivation, under color of any state law, of any right secured by the Constitution of the United States.

A district court of three judges was convened as required by the provisions of 28 U.S.C.A. §§ 2281 and 2284.

The district court announced and entered its judgment on July 28, 1969, declaring the Indiana Apportionment Acts of 1965 unconstitutional. Appellants filed their Notice of Appeal from this judgment with the United States District Court for the Southern District of Indiana, Indianapolis Division on August 20, 1969. An appeal from this judgment was docketed in this Court on October 13, 1969, as Cause No. 735, October Term, 1969.

The district court entered the judgment from which appellant appeals in this cause on December 15, 1969. Appellants filed their Notice of Appeal from that judgment on December 22, 1969, with the United States District Court for the Southern District of Indiana, Indianapolis Division.

Appellant believes 28 U.S.C.A. § 1253 confers Jurisdiction of this appeal on this Court. Appellant believes the cases of *Reynolds v. Sims,* 377 U.S. 533 (1964) and *Westberry v. Sanders,* 376 U.S. 1 (1964), to sustain the jurisdiction of this Court to entertain this cause.

QUESTIONS PRESENTED BY APPEAL

1. Whether the district court erred when it reapportioned the Indiana state legislative districts on the basis

of the outdated 1960 census figures, on the eve of the 1970 census, even though the next regular session of the Indiana state legislature would have reapportioned state legislative districts on the basis of the 1970 census and even though the state legislative districts were constitutionally reapportioned with the approval of the district court in 1965.

2. Whether the district court in redistricting Marion County with a view to maintaining the geographical and political integrity of the Center Township Ghetto gerrymandered Marion County contrary to the ruling precedents of this Court.

3. Whether the district court erred when it went outside the complaint and redistricted the entire State even though the complaint in this cause only challenged the Marion County multi-member district, even though the district court found that, of the six plaintiffs, only Mason Bryant, a resident of the Center Township (Marion County) Ghetto, was entitled to the relief for which plaintiffs prayed and even though the only relief for which plaintiffs prayed was a declaration that the Marion County multi-member district was unconstitutional.

4. Whether the district court in its plan of reapportionment as to the Senate of the State Legislature erred in that the district court plan crosses county lines contrary to the prohibition of Art. 4, § 6, of the Indiana Constitution and in that it, without due process of law, deprives twenty-five duly elected senators of their right to serve their full four-year term as required by Art. 4, § 3 of the Indiana Constitution.

5. Whether the district court erred when it required single member districts throughout the state, notwithstanding a clear state constitutional preference for some multi-member districts.

6. Whether the district court violated public policy of the United States in designating certain geographical areas as "Ghettos" when such areas are chiefly characterized by the race of persons living within such areas.

STATEMENT OF THE CASE

In October of 1965, the Indiana General Assembly enacted legislation reapportioning the state. Indiana Apportionment Acts, 1965 Acts (2d Spec. Sess.), Ch. 5, § 3 and Ch. 4, § 3, as found in Burns (1969 Repl.), §§ 34-104 and 34-102, respectively. The United States District Court for the Southern District of Indiana, Indianapolis Division, found the Indiana Apportionment Act of 1965 constitutional. *Stout v. Bottorff*, 249 F. Supp. 488 (D.C. Ind. 1965).

On January 9, 1969, an action was initiated in the United States District Court for the Southern District of Indiana, Indianapolis Division, challenging the multi-member districting provisions of the Indiana Apportionment Act of 1965. On July 28, 1969, the district court entered a judgment declaring the multi-member districting provisions of the Indiana Apportionment Act of 1965 unconstitutional. On December 15, 1969, the district court entered a judgment granting the plaintiffs relief. The district court enjoined all state election officials (not parties to the litigation) from conducting any primary, general or special elections for the offices of Indiana State Senator or Indiana State Representative under the Indiana Apportionment Act of 1965. Further, the district court mandated all state election officials (not parties to the litigation) to conduct all primary, general and special elections, for the year 1970, for the offices of Indiana State Senator or Indiana State Representative, by use of the districts created and described by the judgment of the district court of December 15, 1969. As a part of its judgment of December 15, 1969, the dis-

trict court issued a redistricting plan for the State of Indiana. For the district court's judgment of December 15, 1969, see Appellant's Appendix to Jurisdictional Statement, p. 1. For the district court's redistricting plan see Appellant's Appendix to Jurisdictional Statement, p. 11.

In devising its plan, the district court used the 1960 census data as a basis for redistricting the state. The variances for the districts created by the district court were kept within ±1%, according to the 1960 census data.

The state legislature is composed of 100 representatives and 50 senators. The district court plan divided the state into 100 districts, one per representative. The house districts are numbered 1 through 100. Each senate district consists of two house districts, chosen in numerical sequence. Senate district no. 1 consists of house districts no. 1 and 2, senate district no. 2 consists of house districts nos. 3 and 4, and so on, senate district no. 50 consists of house districts nos. 99 and 100.

Fifteen legislative districts were allotted to Marion County. The districts were numbered 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100. Senate district no. 43 consists of house district no. 85 and house district no. 86. House district no. 85 is a selected portion of Johnson County, contiguous with house district no. 86 which is wholly within Marion County.

Marion County consists of nine townships. The nine townships are geometrically arranged to approximate a square. Center Township is situated in the middle of the county. Eight of the legislative districts allotted to Marion County were apportioned to Center Township. The districts allotted to Center Township are numbered 93, 94, 95, 96, 97, 98, 99 and 100. Four of the eight districts allotted to Center Township approximate the Center Township Ghetto,

as defined by the district court in its judgment of July 28, 1969. The four districts approximating the Center Township Ghetto are districts nos. 97, 98. 99 and 100.

Comporting with the national trend, Marion County has experienced a substantial shift in population away from the center city and to the suburbs since the 1960 census data was compiled. Whereas, according to the 1960 census, 47.8% of the Marion County population lived in Center Township, only 37.6% of the Marion County population resided in Center Township on June 30, 1969. Aggravating the shift in population to the suburbs was an absolute decline in the population of the Center Township Ghetto since the 1960 census attributable to population displacement as the result of inter-state highway planning, major thoroughfare construction and university hospital and industrial expansion. Thus, according to June 30, 1969, census figures for Marion County all of Center Township is over-represented. The residents in the districts in the Center Township Ghetto are 17% over-represented. The residents in the districts in the non-Ghetto area of Center Township vary from 8% over-represented to 20% over-represented. In contrast, the residents of three districts comprising suburban areas of Marion County are grossly under-represented in degrees varying from 36% under-represented in district 91 to 50% under-represented in district 89. For tables illustrating this phenomena, see Appellant's "Emergency Application for Stay" filed with this court in this cause on July 29, 1969.

The district court issued its plan on December 15, 1969, only 16 days before the first day of 1970. With the advent of the new year, the Bureau of the Census commenced a compilation of the 1970 census. The next regular session of the state legislature will meet in January of 1971. Available to it will be sufficient 1970 census data upon which constitutionally to reapportion the state.

The district court's plan was devised with a view to maintaining the geographical and political integrity of what it denominated as the Center Township "Ghetto." In its judgment of December 15, 1969, the district court specifically rejected a plan of the intervening defendants redistricting Marion County because the district court noted that ". . . in the intervening defendant's plan large suburban areas are combined with parts of the Center Township ghetto area. . . ." Appendix to Jurisdictional Statement, p. 5. In approving plaintiffs' plan the district court said ". . . [p]laintiffs' plan also protects the legally cognizable racial minority group [the Center Township ghetto] against dilution of its voting strength [;] [t]his is also true when the respective House districts are combined for senatorial districts." Appendix to Jurisdictional Statement, p. 6.

The district court redistricted the entire state. However, the complaint in this cause only challenged the Marion County multi-member district. The district court found that, of the six plaintiffs, only Mason Bryant, a resident of the Marion County Center Township Ghetto, was entitled to the relief for which plaintiffs prayed. In their complaint, the only relief for which plaintiffs prayed was a declaration that the Marion County multi-member district was unconstitutional. The district court's sole basis for requiring the redistricting of the entire state may be found in its judgment of July 28, 1969, where the court said that:

> "Turning to state-wide redistricting, to redistrict Marion County alone would leave the legislature confronted with impermissible population variations between Marion County districts and other districts in the state." (Appendices to the Jurisdictional Statement, Cause No. 735, October Term, 1969, p. 35, see also p. 43)

From the statement of the district court, Appellant infers that the district court concluded that the population of new sub-districts within Marion County would vary significantly from districts outside of Marion County and that Marion County was either under-represented or over-represented under the Indiana Apportionment Act of 1965 *vis-a-vis* other districts within the state. Under the Reapportionment Act of 1965, 15 seats in the house of representatives and eight seats in the senate were allotted to Marion County. Under the district court's plan, 15 seats in the house of representatives were allotted to Marion County. Under the district court's plan, 7½ seats in the senate were allotted to Marion County. The ½ seat consists of district 86, wholly within Marion County, combined with house district 85 continguous with district 86, but wholly within Johnson County, an adjoining county.

THE QUESTIONS ARE SUBSTANTIAL

The issues presented by this appeal are of vital concern to the State of Indiana and every other state having multi-member districts or confronted with reapportionment on the eve of a compilation of a new decennial census.

1. The Outdated 1960 Census Figures Question.

The district court's plan was issued on December 15, 1969. The plan was based on the 1960 census figures. Under the district court's plan, based on the 1960 census figures, the degrees of variations among districts were theoretically kept within ±1%.

However, factually, the district court erred when it required reapportionment of the state legislative districts on the basis of the 1960 census data on the eve of the 1970 census. The 1960 census figures are simply outmoded. As Appellant illustrated in his "Emergency Application for

Stay" filed with this court on January 29, 1970, the neat mathematical equality achieved by the district court on the basis of the 1960 census figures was an absurdity in view of 1969 estimates. The district court's plan as tested by available 1969 census data simply illustrates a well known fact, that substantial shifts in the population have occurred since the compilation of the 1960 census figures.

Three lower federal courts refused to require reapportionment on the basis of the 1960 census figures during the year 1969 solely because the 1960 census figures were no longer reliable in view of obvious and substantial population changes and shifts since 1960. *Skolnick v. Mayor,* 415 F.2d 1291 (7th Cir. 1969) (decided August 8, 1969); *Cahoon et al. v. Maddox et al.,* — F. Supp. — (D.C. Atl. D. Ga. 1969) (Cause No. 13011, decided December 9, 1969); *Skolnick et al. v. State Election Board,* — F. Supp. — (D.C.E.D. Ill. 1969) (Cause No. 69-C-902, decided December 1, 1969). The federal courts in these cases refused to require reapportionment on the eve of the 1970 census even though the districting plans involved in those cases were found to be unconstitutional. Furthermore, the district court's decision in this cause directly conflicts with the decisions of other lower federal courts in this regard.

The Indiana General Assembly constitutionally reapportioned the state legislature in 1965 with the approval of the United States District Court for the Southern District of Indiana, Indianapolis Division. *Stout v. Bottorff,* 249 F. Supp. 488 (D.C. Ind. 1965). In *Reynolds v. Sims,* 377 U.S. 522 (1964), at pp. 583-584, this court held that a rational approach to reapportionment would require a state to reapportion constitutionally but once between each decennial census. Thus, since the state constitutionally reapportioned in 1965, the state should not be required con-

stitutionally to reapportion again until the 1970 census figures become available in the fall of 1970.

The question of when the decennial census figures become obsolete and the number of times that a state can be required constitutionally to reapportion between decennial censuses are substantial questions which can only be determined by this Court.

2. The Gerrymandering Question.

The district court condemned a plan of redistricting submitted by the intervening defendants because the plan combined suburban areas with parts of the Marion County Center Township Ghetto. On the other hand, the district court's plan, in its own words, ". . . protects the legally cognizable racial minority group [the Center Township ghetto] against the dilution of its voting strength. . . ." Appendix to Jurisdictional Statement, p. 6. This Court has often held that citizens cast votes, not special interest groups. *Kirkpatrick v. Preisler,* 394 U.S. 526 (1969); *Reynolds v. Sims,* 394 U.S. 533 (1964). The district court's plan was devised with a view to maintaining the geographical and political integrity of the Center Township Ghetto which the court found to be comprised of a distinct special group interest. This court has soundly condemned such sophisticated gerrymandering. *Gomillion v. Lightfoot,* 306 U.S. 339 (1960).

Whether the district court gerrymandered the state in attempting to maintain the geographical and political integrity of the Marion County Center Township Ghetto in contravention of the ruling precedents of this Court is a substantial question which only this Court can determine.

3. The Redistricting Of The Entire State Question.

The district court order complained of exceeded the scope of the relief sought by the complaint, the evidence

and its own findings when it required redistricting of the entire state. Only the Marion County multi-member districting provisions of the Indiana Apportionment Act were found to be unconstitutional in this cause. The district court should have limited itself to redistricting Marion County only. Whether the district court erred in requiring a redistricting of the entire state is a substantial question which can only be determined by this Court.

4. The Indiana Constitutional Questions.

Art. 4, § 6, of the Indiana Constitution provides that "... no county, for Senatorial apportionment shall ever be divided." Art. 4, § 3 of the Indiana Constitution provides that senators be elected for a term of four years, so that one half of the senate or twenty-five senators is elected every two years. In a number of instances, the district court's plan provided for senate districts which crossed county lines in violation of Art. 4, § 6 of the Indiana Constitution. Furthermore, the district court's plan required all fifty senators to run for office thereby depriving twenty-five holdover senators of their full four-year terms of office. Whether the district court erred in devising a plan of reapportionment violating the Indiana Constitution is a substantial question which can only be determined by this court.

5. The Single Member District Question.

Although the district court did not demand single member districts, the district court did say in its judgment of December 15, 1969, that single member districts would be preferred and the district court's plan did in fact provide for single member districts. Appellant submits that in view of the district court's stated preference and the actual plan devised by the court, Appellants have no choice but to enact reapportionment legislation providing for single

member districts. Whether the state can be required to enact reapportionment legislation providing for single member districts is a substantial question which can only be determined by this court.

6. The Public Policy Question.

Although somewhat related to the Gerrymandering Question, the Appellant submits that the district court in rendering its judgment of December 15, 1969, and in defining certain geographic areas and in designating them as "Ghetto Areas," violated the stated public policy of the United States. One of the chief characteristics by which the lower court defined such areas was that of the racial character of its inhabitants. By not recognizing the inherent mobility and fluidity of society the district court acted contrary to public policy. Whether the district court erred in defining such areas according to their racial characteristics is a substantial question which can only be determined by this Court.

Appellant submits that this appeal brings before this court substantial federal questions which require plenary consideration with briefs on the merits and oral argument for their resolution.

Respectfully submitted,

THEODORE L. SENDAK,
Attorney General of Indiana

RICHARD C. JOHNSON,
Chief Deputy Attorney General

WILLIAM F. THOMPSON,
Assistant Attorney General

Attorneys for Appellant

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PATRICK CHAVIS, et al. *Plaintiffs* vs. EDGAR D. WHITCOMB, Governor of the State of Indiana *Defendant* and JOHN C. RUCKELSHAUS, et al. *Intervening Defendants*	NO. IP 69-C-23

December 15th, 1969

Before KERNER, Circuit Judge, and STECKLER and NOLAND, District Judges.

THE COURT'S PLAN AND ORDER FOR REAPPORTIONMENT OF THE LEGISLATIVE SEATS IN THE GENERAL ASSEMBLY OF INDIANA

By Judges Kerner, Steckler, and Noland:

This suit was tried by the three-judge court on June 17 and 18, 1969. After consideration of the legal and factual issues, the Court entered its opinion and a separate order on July 28, 1969.[1] The Court found that the multi-member districting provisions of the present legislative apportionment statutes of Indiana, Indiana Acts of 1965 (2d Spec. Sess.), ch. 5, sec. 3, and ch. 4, sec. 3 (Ind. Ann. Stat. §§ 34-102, 34-104 (Burns Supp. 1968)), as they relate to Marion County, operate to minimize and cancel out the voting strength of a cognizable racial minority group, which was defined and delineated in the opinion,

[1] __ F. Supp. __ (S.D. Ind. 1969).

to the extent that the members of such minority group are deprived of equal protection of the laws under the Fourteenth Amendment of the Constitution of the United States. We therefore declared those portions of the legislative apportionment statutes to be unconstitutional and void.

Upon the evidence adduced, it was further determined that: (1) to redistrict Marion County alone, so as to provide districts meeting constitutional standards, would leave constitutionally impermissible population variations between the newly created districts in Marion County and other districts in the state, and (2) independent of the new districts in Marion County, constitutionally impermissible population variations would remain between presently existing districts in the state when compared among themselves. Thus the portions of the statutes relating to Marion County were found to be not severable from the full body of the statutes. We therefore found a redistricting of the entire state as to both houses of the General Assembly to be necessary.

While recognizing the right of the injured plaintiffs to have their constitutional rights vindicated at the earliest practicable time, we also recognized that the federal judiciary functions within a system of federalism which entrusts the responsibility of legislative apportionment and districting primarily to the state legislature. We therefore granted the State until October 1, 1969, to enact statutes redistricting the State and reapportioning the legislative seats in the General Assembly to remedy the constitutionally impermissible districting and apportionment, retaining jurisdiction should the State fail to comply.

On August 20, 1969, defendant Edgar D. Whitcomb, Governor of the State of Indiana, moved this Court to stay proceedings in the action. On August 27, 1969, the intervening defendants, joined by Governor Whitcomb, sepa-

rately moved to stay proceedings. These motions were denied on September 4, 1969.

On October 15, 1969, judicial notice was taken of the fact that a special session of the Indiana General Assembly had not been called for the purpose of redistricting and reapportioning the General Assembly. Accordingly, the Court concluded that it would proceed to redistrict the State pursuant to its opinion and order of July 28, 1969.

At an informal conference in chambers held on October 15, 1969, counsel for the parties were informed that the Court wished to invite not only the parties to the action but also the State Committees of the majority and minority parties in the Indiana General Assembly, the legislative leaders of said parties, and the members of the Indiana State Election Board, to submit proposed plans for the Court's consideration.

Pursuant to notice a further conference on October 17, 1969, was held in open court for the purpose of announcing minimal guidelines for submission of proposed plans. The date of November 3, 1969, was fixed as the date by which such plans were to be submitted. Persons desiring to submit plans were ordered to file notice of their intent to do so on or before October 24, 1969. The Court announced that 1960 census data would be used as a basis for redistricting; that single-member districts would be preferred to multi-member districts; and that county and township boundary lines would be crossed in drawing district lines wherever necessary to achieve equality of population in the districts but that the Court would strive to preserve the integrity of county and township lines.

On October 30, 1969, the Court granted persons submitting proposed plans until November 10, 1969, to file objections, if any, to plans proposed by other persons. Defendant Governor Whitcomb on November 3, 1969, moved the Court to modify the order of October 30th by providing that any

party to the action might file objections to any of the proposed plans filed by any party or non-party with the Court within ten (10) days after any party received actual notice of the filing of any proposed plan submitted by any party or non-party. The motion was denied on November 4, 1969.

The intervening defendants on November 5, 1969, moved for an extension of time within which to file notice of intent and a proposed plan until November 10, 1969. The motion was granted by an entry of November 6, 1969, and the Court further extended until November 13, 1969, the time within which persons having filed proposed plans could file objections to other plans filed with the Court.

The Court has received the following proposed plans, each preceded by a satisfactory notice of intent:

(1) Plaintiffs' plan for Marion County only;

(2) Plan of Leslie Duvall as Chairman, Senate Legislative Apportionment Committee, for the Indiana Senate only;

(3) Plan of Leslie Duvall as Majority Caucus Chairman, Indiana Senate, for the Indiana Senate only;

(4) Plan of State Senator Robert E. Mahowald, for the Indiana Senate only;

(5) Plan of Frederick T. Bauer, Indiana General Assembly House Minority Leader, and David Rogers, Indiana General Assembly Senate Minority Leader, for both the Indiana House and Senate;

(6) Plan of Richard A. Boehning, Indiana General Assembly House Majority Leader, for the Indiana House only;

(7) Plan of Representative Richard J. Lesniak, for Lake County only; and

(8) Plan of Senator Albert J. LaMere, for Lake County only.

As invited by the Court, several persons filed objections to districting plans submitted by other persons. These ob-

jections have been considered and the Court appreciates the diligence of the persons submitting them. The Court having prepared its own plan and the objections having been considered, these objections are considered moot. We reached this conclusion after examination of all plans submitted. With the exception of the plaintiffs' plan and the intervening defendants' plan, all other plans contain such a large deviation between the most populous and least populous districts that they were eliminated from further consideration.

Although the Court has previously indicated that 1960 census statistics should be utilized, several of the objections argue that these statistics are so outdated as to be not credible. The short answer to this objection was given by an earlier three-judge court of this district in considering congressional redistricting: "[T]he Census of 1960 must be tolerated until the next official census in order to maintain relative political stability." *Grills v. Branigin*, 284 F. Supp. 176 (S.D. Ind. 1968).

In districting Marion County, two of the plans submitted received primary consideration, the plan of the plaintiffs, and the plan of the intervening defendants. It is the opinion of the Court that the plaintiffs' plan for districting Marion County more nearly meets the constitutional standards laid down by the Supreme Court as followed by this Court in reaching its opinion of July 28, 1969. We note in the intervening defendants' plan large suburban areas are combined with parts of the Center Township ghetto area. In fact, in seven instances the intervening defendants' plan combines suburban areas with portions of the Center Township inner city area. As we observed in our opinion of July 28, 1969, sophisticated gerrymandering has been soundly condemned. *Gomillion v. Lightfoot*, 364 U.S. 339, 81 S.Ct. 125, 5 L.Ed. 2d 110 (1960).

Plaintiffs' districts in Marion County closely follow existing city and township boundary lines and are compact and composed of contiguous territory. Additionally, plaintiffs' House districts approximate mathematical equality of population. The greatest deviation is minus .63 of 1% from the ideal House district in Marion County and the average deviation for all fifteen (15) House districts in Marion County is .26 of 1%. Plaintiffs' plan also protects the legally cognizable racial minority group against dilution of its voting strength. This is also true when the respective House districts are combined for senatorial districts.

The legislature having failed to act, this Court now establishes House and Senate districts for the State of Indiana which in the Court's opinion comply with federal constitutional requirements as set forth in decisions of the United States Supreme Court, and as applied in this Court's opinion and order of July 28, 1969.

The Indiana Election Code provides a 30-day period for declarations of candidacy for nomination to a General Assembly seat; this period begins on February 24, 1970. Furthermore, precinct election boundaries will have to be adjusted in January of 1970 by the election officials to coincide with the boundaries of new legislative districts.

The legislative districting plan prescribed herein sets forth a description of each House district. The plan is based on 1960 census data which results in an ideal House district of 46,625, and an ideal Senate district of 93,250. As indicated to the interested persons at the October 17, 1969, conference, single-member districts have been utilized throughout the state; further, the Court's aim has been for mathematical equality of population in each district. The difficulty of devising 100 compact and contiguous House districts within that framework has in large part precluded preservation of county lines. However, township boundary

lines have been followed except in the state's ten metropolitan areas, where the density of population required the division of townships.

For the convenience of the electorate and of the election officials, each Senate district consists of two House districts chosen by numerical sequence. There are 100 House districts and 50 Senate districts. Thus Senate district No. 1 consists of House districts Nos. 1 and 2, and Senate district No. 2 consists of House districts Nos. 3 and 4, and so forth. The House districts are set out in map form for the use of election officials. The Senate districts are described only by designating the combinations of House districts. The accompanying listing indicates the population of each House district and the percentage deviation from the ideal district of 46,625.

Each district is further described by townships, census tracts, blocks or enumeration districts. Where township lines have been followed, the composition of the district is largely self-explanatory. However, where districts have been described by census designations, it has been necessary to convert the description into streetline locations. This conversion has been accomplished by the use of detail maps A through J for the metropolitan areas of Lake County, South Bend, Fort Wayne, Kokomo, Muncie, Anderson, Marion County, Richmond, Terre Haute, and Evansville.

(See Appendix I for listing of House Districts, Appendix II for listing of Senate Districts, and Map Appendix for District Boundary Lines.)[2]

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[2] The Court acknowledges with thanks the permission granted by the George F. Cram and R. L. Polk Companies to publish and make use of copyrighted maps, Corporate Boundaries, Marion County, Indiana, and Official Arrow City Map, Hammond and Vicinity, Indiana.

The conversion to streetline locations was made possible by the assistance and cooperation of the United States Bureau of the Census, Department of Commerce. The Court especially recognizes and credits the Bureau of the Census for its help in providing demographic data to accomplish this redistricting plan. Their information and assistance has made it possible to audit population figures and percentage deviations from the ideal.

In establishing district lines for the metropolitan areas of the state, the Court has taken judicial notice of the 1960 census statistics as to the location of the non-white population. The single-member district plan gives recognition to the cognizable racial minority group whose grievance lead to this litigation.

In reapportioning legislative seats in the General Assembly, the question of how the "holdover" senators shall be treated is presented.

The Constitution of the State of Indiana, Art. 4, Sec. 3, provides that senators are elected for 4-year terms; thus, theoretically half of the members of the Senate, those who were elected in the 1968 general election, would not stand for re-election in 1970. Since the Act under which they were elected has been found unconstitutional, the Court is required to determine what is to become of the remainder of their terms of office. To permit the present terms of incumbent senators to extend beyond the 1970 general election would prevent implementation of the districting plan herein prescribed. Senators elected in 1968 under what has now been declared to be an unconstitutional statute do not have a vested right to serve out the balance of their 4-year terms. *Reynolds v. State,* 233 F. Supp. 323 (W.D. Okla. 1964). Thus the Court has concluded that it will be necessary to fill all fifty senatorial seats in the 1970 election, and that the present terms of all incumbent senators will expire at the time the members of the newly

elected legislature take office on January 7, 1971. *Mann v. Davis,* 238 F. Supp. 458 (E.D. Va. 1964), *aff'd* 379 U.S. 694 (1965); *Hughes v. WMCA, Inc.,* 379 U.S. 694 (1965); *Holt v. Richardson,* 238 F. Supp. 468 (D. Haw. 1965); *People ex. rel. Engle v. Kerner,* 33 Ill. 2d 11, 210 N.E. 2d 165 (1965).

The Indiana constitutional provision for staggering the terms of senators, so that one-half of the Senate terms expire every two years, is entirely proper and valid and would be mandatory in a legislatively devised redistricting plan.

However, the plan adopted herein is provisional in nature and probably will be applicable for only the 1970 election and the subsequent 2-year period. This is true since the 1970 census will have been completed in the interim, and the legislature can very well redistrict itself prior to the 1972 election. On the other hand, it is conceivable that the legislature may fail to redistrict before the 1972 election. In such event, all fifty senatorial seats shall be up for election every two years until such time as the legislature properly redistricts itself. It will then properly be the province of the legislature in redistricting to determine which senatorial districts shall elect senators to 4-year terms and which shall elect senators to 2-year terms to reinstate the staggering of terms.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant, Governor Edgar D. Whitcomb, the State Election Board, the Secretary of State of the State of Indiana, and all election officials under the Election Code of Indiana are hereby enjoined from conducting any primary, general or special elections for the offices of Indiana State Senator or Indiana State Representative by the use of the districts and apportionment created by the Indiana Acts of 1965 (2d Spec. Sess.), ch. 5, sec. 3, and ch. 4, sec. 3 (Ind. Ann. Stat. §§ 34-102, 34-104

(Burns Supp. 1968)) for the reason that those statutes are violative of the Constitution of the United States for the reasons given in this opinion and in the Court's opinion and order of July 28, 1969.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, Governor Edgar D. Whitcomb, the State Election Board, the Secretary of State, and all election officials under the Election Code of Indiana are hereby mandated to conduct all primary, general and special elections during the year 1970 for the offices of Indiana State Senator or Indiana State Representative in accordance with this judgment and by the use of the districts created and described by this judgment; and this order now constitutes appropriate notice to all of such officials.

The Court retains jurisdiction of this action for the purpose of passing upon any future claims of unconstitutionality made by plaintiffs against any future legislative apportionment adopted by the General Assembly of Indiana by reason of this order, and for such other action in the premises as may be necessary.

S/ OTTO KERNER
JUDGE
United States Court of Appeals
for the Seventh Circuit

S/ WILLIAM E. STECKLER
JUDGE
United States District Court

S/ JAMES E. NOLAND
JUDGE
United States District Court

APPENDIX I

HOUSE DISTRICTS

District No.	Description	Total Population	Percentage of Deviation
1	Posey County: All Vanderburgh County: Tracts 29, 30, 31, 32 V6, V7 & V8 Tract 28: Blocks 4-13, 19-30, 37-44, 50-57, 64-71, 76-79, and 80 split*	46,966	+.73%
2	Gibson County: Johnson Township Vanderburgh County: Tracts 4, 5, 33, 34, 35, 38, V3, V4, V9, V10 Tract 2: Blocks 1-33, 39-49, 54-75 Tract 3: Blocks 1-3, 11-22 Tract 22: Block 1 Tract 37: Blocks 1-45, 49-52, 61-67	46,711	+.18%
3	Vanderburgh County: Tracts 1, 18, 19, 20, 21, 23, 24, 25, 26, 27 Tract 2: Blocks 34-38, 50-53 Tract 3: Blocks 4-10, 23-35, 38, 39 Tract 7: Blocks 1-14 Tract 14: Blocks 1-8 Tract 15: Blocks 1-16, 21-25 Tract 16: Blocks 1-32 Tract 17: Blocks 1-27, 9 split* Tract 22: Blocks 2-61 Tract 28: Blocks 1-3, 14-18, 31-36, 45-49, 58-63, 72-75, 81, 80 split*	46,735	+.24%
4	Vanderburgh County: Tracts 6, 8, 9, 10, 11, 12, 13, V1, 36 Tract 3: Blocks 36, 37, 40-52 Tract 7: Blocks 15-42 Tract 14: Blocks 9-28 Tract 15: Blocks 17-20, 26-48 Tract 16: Blocks 33-58 Tract 17: Blocks 28-40, 9 split* Tract 37: Blocks 46-48, 53-60	46,859	+.50%

*Block, contains no population—is split into two (2) districts by a projected line.

District No.	Description	Total Population	Percentage of Deviation
5	Dubois County: Bainbridge, Boone & Madison Townships Gibson County: Center, Columbia, Montgomery, Patoka, Union, Wabash & Washington Townships Pike County: Clay, Jefferson, Logan, Madison, Marion, Patoka & Washington Townships	46,999	+.80%
6	Warrick County: All Dubois County: Cass & Patoka Townships Gibson County: Barton Township Pike County: Lockhart & Monroe Townships Spencer County: Carter, Clay, Grass, Hammond, Jackson, Luce & Ohio Townships	46,857	+.50%
7	Perry County: All Crawford County: Johnson, Patoka & Union Townships Dubois County: Columbia, Ferdinand, Hall, Harbison, Jackson, Jefferson & Marion Townships Orange County: French Lick, Greenfield, Jackson, Northeast, Northwest, Orangeville, Orleans & Paoli Townships Spencer County: Harrison & Huff Townships	46,514	—.24%
8	Harrison County: All Crawford County: Boone, Jennings, Liberty, Ohio, Sterling & Whiskey Run Townships Floyd County: Georgetown & Greenville Townships Orange County: Southeast & Stampers Creek Townships Washington County: Brown, Howard, Jackson, Monroe, Pierce, Posey, Madison, Vernon, Jefferson & Washington Townships	46,655	+.06%

District No.	Description	Total Population	Percentage of Deviation
9	Floyd County: Franklin, Lafayette & New Albany Townships	46,314	—.67%
10	Clark County: Carr, Jeffersonville, Silver Creek, Union & Wood Townships	46,634	+.02%
11	Scott County: All Clark County: Bethlehem, Charlestown, Monroe, Oregon, Owen, Utica & Washington Townships Jackson County: Grassy Fork & Vernon Townships Jefferson County: Graham, Hanover, Lancaster, Republican, Saluda & Smyrna Townships Jennings County: Marion & Montgomery Townships Washington County: Franklin, Gibson & Polk Townships	46,903	+.60%
12	Ohio County: All Switzerland County: All Dearborn County: Caesar Creek, Center, Clay, Hogan, Sparta & Washington Townships Jefferson County: Madison, Milton, Monroe & Shelby Townships Ripley County: Brown, Center, Johnson, Shelby & Washington Townships	46,491	—.29%
13	Bartholomew County: Clay, Clifty, Rock Creek, Sand Creek & Wayne Townships Decatur County: Jackson, Marion & Sand Creek Townships Jackson County: Jackson, Redding & Washington Townships Jennings County: Bigger, Campbell, Center, Columbia, Geneva, Lovett, Sand Creek, Spencer & Vernon Townships Ripley County: Otter Creek Township	46,444	—.39%

District No.	Description	Total Population	Percentage of Deviation
14	Bartholomew County: Columbus, Flat Rock, German & Haw Creek Townships in addition to Unorganized Territory Decatur County: Clay Township Johnson County: Blue River Township Shelby County: Jackson, Noble & Washington Townships	46,455	—.37%
15	Brown County: All Bartholomew County: Harrison, Jackson & Ohio Townships Jackson County: Brownstown, Carr, Driftwood, Hamilton, Owen, Pershing & Salt Creek Townships Lawrence County: Bono, Guthrie, Marshall, Pleasant Run & Shawswick Townships	46,331	—.63%
16	Martin County: All Daviess County: Barr, Harrison, Madison, Reeve, Van Buren, Veale & Washington Townships Greene County: Jackson & Taylor Townships Lawrence County: Indian Creek, Marion, Perry & Spice Valley Townships	47,045	+.90%
17	Knox County: All Daviess County: Bogard, Elmore & Steele Townships Gibson County: White River Township	46,891	+.57%
18	Sullivan County: All Clay County: Cass, Harrison, Lewis, Perry, Posey, Jackson, Sugar Ridge & Washington Townships Owen County: Marion Township Vigo County: Honey Creek, Linton, Pierson, Prairie Creek, Prairieton & Riley Townships	46,849	+.48%

District No.	Description	Total Population	Percentage of Deviation
19	Greene County: Beech Creek, Cass, Center, Fairplay, Grant, Highland, Jefferson, Richland, Smith, Stafford, Stockton, Wright & Washington Townships Monroe County: Bean Blossom, Clear Creek, Indian Creek, Polk, Richland, Salt Creek, Washington & Van Buren Townships Owen County: Clay, Jefferson, Franklin, Lafayette, Montgomery, Morgan, Washington & Wayne Townships	46,366	—.56%
20	Monroe County: Benton, Bloomington & Perry Townships	46,402	—.48%
21	Hendricks County: Guilford, Liberty & Washington Townships Morgan County: Adams, Ashland Baker, Brown, Greene, Gregg, Jefferson, Monroe, Ray & Washington Townships Owen County: Harrison & Taylor Townships	46,266	—.77%
22	Hendricks County: Brown, Center, Clay, Eel River, Franklin, Lincoln, Marion, Middle & Union Townships Owen County: Jackson & Jennings Townships Putnam County: Clinton, Cloverdale, Floyd, Franklin, Greencastle Jackson, Jefferson, Madison, Marion, Monroe, Warren & Washington Townships	46,255	—.79%
23	Vigo County: Lost Creek Township Harrison Township: Tracts E & G Tract D: Blocks 1-223, 224 split* Tract F: Blocks 1-207, 209-220 Tract B: Blocks 243-293	46,563	—.13%

* This block is split at the Township Line between Harrison and Lost Creek Townships.

District No.	Description	Total Population	Percentage of Deviation
24	Vigo County: Fayette, Otter Creek & Sugar Creek Townships Harrison Township: Tracts A & C Tract B: Blocks 1-242	46,362	—.56%
25	Parke County: All Clay County: Brazil, Dick Johnson & Van Buren Townships Vermillion County: Clinton, Eugene, Helt & Vermillion Townships Vigo County: Nevins Township	46,159	—.99%
26	Montgomery County: All Fountain County: Cain, Fulton, Jackson, Mill Creek, Troy, Van Buren & Wabash Townships Putnam County: Russell Township Vermillion County: Highland Township Warren County: Kent & Mound Townships	46,506	—.26%
27	Clinton County: All Carroll County: Burlington & Democrat Townships Howard County: Honey Creek & Monroe Townships Tippecanoe County: Lauramie, Randolph, Sheffield & Wea Townships Tipton County: Jefferson & Prairie Townships	46,832	+.44%
28	Carroll County: Clay Township Tippecanoe County: Fairfield & Perry Townships	46,346	—.60%
29	Benton County: Bolivar Township Fountain County: Davis, Logan, Richland & Shawnee Townships Tippecanoe County: Jackson, Shelby, Union, Wabash & Wayne Townships Warren County: Adams, Jordan, Liberty, Medina, Pike, Pine, Prairie, Steuben, Warren & Washington Townships	46,467	—.34%

District No.	Description	Total Population	Percentage of Deviation
30	Jasper County: All Newton County: All Benton County: Center, Gilboa, Grant, Hickory Grove, Oak Grove, Parish Grove, Pine, Richland, Union & York Townships Pulaski County: Cass & White Post Townships Starke County: Railroad Township White County: Princeton, Round Grove & West Point Townships	46,788	+.35%
31	LaPorte County: Cass, Center, Clinton, Dewey, Hanna, New Durham, Noble & Scipio Townships Porter County: Boone, Jackson, Morgan, Pleasant, Porter, Union & Washington Townships	46,845	+.47%
32	Lake County: Cedar Creek, Center, Eagle Creek, Hanover, Ross, West Creek & Winfield Townships	46,779	+.33%
33	Lake County: Tracts SJT60, NOT53, HMC52 Tract HMC49: Blocks 37-67 Tract HMC51: Blocks 42, 45, 166	46,641	+.03%
34	Lake County: Tracts CAT54 & CAT55, Tract GAC6: Blocks 426-455, 533-539 Tract GAC26: Blocks 44-47, 58-65, 69-79, 84-108, 111-149, 152-178, 179 Tract GAC27: Blocks 19-97	46,646	+.04%
35	Lake County: Tracts HMC42, HMC43, HMC44, HMC45, HMC50 Tract HMC46: Blocks 1-38, 47-52†, 61-68, 73 Tract HMC49: Blocks 1-36 Tract HMC51: Blocks 2-6, 11-17, 19-26 Tract ECC37: Blocks 1-67, 76-80	46,602	—.05%

† There are not any blocks in Tract HMC46 that are numbered 45 or 46. Therefore, this series of blocks starts with number 47.

District No.	Description	Total Population	Percentage of Deviation
36	Lake County: Tracts HMC40, HMC41, ECC28, ECC28cv, ECC35, NOT38, NOT39, ECC29cv. Tract ECC29: Blocks 1-13, 16-55 Tract ECC36: Blocks 1-3, 7-20, 28-40, 44 split* Tract ECC37: Blocks 68-75	46,530	—.20%
37	Lake County: Tracts HMC47 & HMC48 Tract HMC46: Blocks 39-44, 53-60 69-72 Tract HMC51: Blocks 1, 18, 27-41, 46-165, 167-215	46,772	+.31%
38	Lake County: Tracts ECC30, ECC31, ECC32, ECC33 & ECC34 Tract ECC29: Blocks 14-15 Tract ECC36: Blocks 4-6, 21-27, 41-43, 44 split*, & 45 Tract GAC1: Blocks 34-40 Tract GCA6: Blocks 1-80, 85-130, 132-179, 182-231, 234, 239, 240-425, 460-532	46,563	—.13%
39	Lake County: Tracts GAC18, GAC19, GAC20, GAC23 and GAC25 Tract GAC16: Blocks 39-45 Tract GAC21: Blocks 10-21, 28-31 Tract GAC27: Blocks 3-18	46,601	—.05%
40	Lake County: Tracts GAC14, GAC15, GAC17, GAC22 & GAC24 Tract GAC16: Blocks 1-38 Tract GAC21: Blocks 1-9, 22-27, 32-34 Tract GAC26: Blocks 1-43 Tract GAC27: Blocks 102	46,652	+.06%

* This block, containing no population, is split into two (2) districts by a projected line.

District No.	Description	Total Population	Percentage of Deviation
41	Lake County: Tracts GAC2, GAC3, GAC4, GAC5, GAC7, GAC8, GAC9, GAC10, GAC11, & GAC12 Tract GAC1: Blocks, 1-33, 41-188 Tract GAC6: Blocks 81-84, 131, 180-181, 232-233, 235-238, 456-459 Tract GAC13: Block 1	46,824	+.43%
42	Lake County: Tracts HOT56, HOT57, & HOT58 Tract GAC13: Blocks 2-50 Tract GAC26: Blocks 48-57, 66-68, 80-83, 109-110, 150-151	46,659	+.07%
43	Porter County: Center, Liberty, Portage & Westchester Townships	46,484	—.30%
44	LaPorte County: Cool Spring & Michigan Townships Porter County: Pine Township	47,081	+.98%
45	LaPorte County: Galena, Hudson, Johnson, Kankakee, Lincoln, Pleasant, Prairie, Springfield, Union, Washington & Wills Townships Marshall County: Center, North, Polk & West Townships St. Joseph County: Olive Township Starke County: California, Center, Davis, Jackson, Oregon & Washington Townships	46,621	—.01%
46	St. Joseph County: Tracts C109, C111, C119-C123, 22, 24, 26-28, 34 Tract 20: Blocks 37-40	46,566	—.13%
47	St. Joseph County: Tracts: C110, 1-7, 19, 21, 23, 25 Tract 18: Blocks 2-9, 15-21, 26-29, 35-38 Tract 20: Blocks 1-36, 41-45	46,648	+.05%
48	St. Joseph County: Tracts C112, C113, 8-13, 17 Tract 18: Blocks 1, 10-14, 22-25, 30-34, 39-42	46,584	—.09%

District No.	Description	Total Population	Percentage of Deviation
49	St. Joseph County: Tracts C117, C118, 14, 16, 29-33, 35 Tract 15: Blocks 1-49, 65-69	46,591	—.07%
50	St. Joseph County Tracts M101, M102, M103, M104, M105, M106, M107, C114, C115, C116 Tract 15: Blocks 50-64	46,876	+.54%
51	Elkhart County: Baugo, Cleveland, Elkhart, Harrison, Jackson, Olive & Osolo Townships	46,464	—.35%
52	Elkhart County: Concord, Jefferson & Washington Townships	46,971	+.74%
53	LaGrange County: All Elkhart County: Clinton, Middlebury & York Townships Noble County: Albion, Allen, Elkhart, Orange, Perry, Sparta, Wayne & York Townships and Jefferson Township	46,165	—.99%
54	DeKalb County: All Steuben County: All Noble County: Swan Township	46,864	+.51%
55	Allen County: Tracts C101, C102, C103, C108-C113, C118, C119 Tract 1: Block 51 Tract 33: Block 1	47,040	+.89%
56	Allen County: Tracts 2-10, 34, 35 Tract 1: Blocks 1-50, 52 Tract 33: Blocks 24-51	47,047	+.91%
57	Allen County: Tracts 11-21 Tract 25: Blocks 3-7 Tract 27: Blocks 1-6	46,694	+.15%
58	Allen County: Tracts 26, 28-32, 23, 40 Tract 25: Blocks 1, 2, 8-45 Tract 27: Blocks 7-62 Tract 36: Blocks 1-6, 9-18	46,778	+.33%

District No.	Description	Total Population	Percentage of Deviation
59	Allen County: Tracts 22, 24, 37-39, C104-C107 C114-C117 Tract 33, Blocks 2-23, 52-55 Tract 36: Blocks 7, 8, 19-37 Huntington County: Jackson Township	46,902	+.59%
60	Whitley County: All Huntington County: Clear Creek, Huntington & Warren Townships Kosciusko County: Monroe Township Noble County: Green, Noble & Washington Townships	46,626	+.01%
61	Elkhart County: Benton, Locke & Union Townships Kosciusko County: Jefferson, Plain, Scott, Tippecanoe, Turkey Creek, Van Buren, Washington & Wayne Townships Marshall County: Bourbon & German Townships St. Joseph County: Madison Township	47,091	+.99%
62	Fulton County: Henry & New Castle Townships Kosciusko County: Clay, Etna, Franklin, Harrison, Jackson, Lake, Prairie & Seward Townships Marshall County: Tippecanoe Township Miami County: Allen, Erie, Jefferson, Perry, Peru & Richmond Townships Wabash County: Chester, Paw Paw & Pleasant Townships	46,505	—.26%
63	Carroll County: Adams, Jefferson, Rock Creek & Tippecanoe Townships Fulton County: Aubbeenaubbee & Richland Townships Marshall County: Union, Green & Walnut Townships Pulaski County: Beaver, Franklin, Harrison, Indian Creek, Jefferson,	46,461	—.35%

No. District	Description	Population Total	Deviation Percentage
	Monroe, Rich Grove, Salem & Tippecanoe Townships Starke County: North Bend & Wayne Townships Tippecanoe County: Tippecanoe Township White County: Big Creek, Cass, Honey Creek, Jackson, Liberty, Lincoln, Monon, Prairie & Union Townships		
64	Cass County: Adams, Bethlehem, Boone, Clay, Clinton, Eel, Harrison, Jefferson & Noble Townships Fulton County: Liberty, Rochester, Union & Wayne Townships Miami County: Union Township Pulaski County: Van Buren Township	46,602	—.05%
65	Carroll County: Carrollton, Deer Creek, Jackson, Liberty, Madison, Monroe & Washington Townships Cass County: Deer Creek, Jackson, Miami, Tipton & Washington Townships Howard County: Clay, Ervin, Harrison, Howard, Jackson, Liberty & Union Townships That part of Center Township which is outside the City Limits of the City of Kokomo, plus Enumeration District 37P Miami County: Clay, Deer Creek, Harrison & Pipe Creek Townships Tippecanoe County: Washington Township	46,488	—.29%
66	Howard County: The City of Kokomo, less Enumeration District 37P	46,896	+.58%
67	Hancock County: Vernon Township Hamilton County: Fall Creek, Jackson, Noblesville, Wayne & White River Townships	46,483	—.31%

District No.	Description	Total Population	Percentage of Deviation
	Howard County: Taylor Township Madison County: Duck Creek, Green & Jackson Townships Tipton County: Cicero, Liberty, Madison & Wildcat Townships		
68	Boone County: All Hamilton County: Adams, Clay, Delaware & Washington Townships	46,891	+.57%
69	Grant County: Monroe, Richard, Sims, Van Buren & Washington Townships Huntington County: Dallas, Jefferson, Lancaster, Polk, Rock Creek, Salamonie & Wayne Townships Miami County: Butler, Jackson & Washington Townships Wabash County: Lagro, Liberty, Noble & Waltz Townships	46,666	+.09%
70	Grant County: Center, Franklin & Pleasant Townships	46,407	—.47%
71	Wells County: All Adams County: Blue Creek, French, Jefferson, Kirkland, Monroe, Preble, Root, St. Mary's, Union, Wabash & Washington Townships Huntington County: Union Township	46,218	—.87%
72	Blackford County: All Adams County: Hartford Township Delaware County: Delaware, Niles & Union Townships Grant County: Jefferson Township Jay County: Bear Creek, Greene, Jackson, Knox, Noble, Penn, Richland, Wabash & Wayne Townships	46,299	—.70%
73	Grant County: Fairmount, Green, Liberty & Mill Townships Madison County: Boone, Monroe, Pipe Creek, Richland & Van Buren Townships	47,028	+.86%
74	Delaware County: Hamilton, Harrison, Mount Pleasant & Washington Townships	46,646	+.05%

District No.	Description	Total Population	Percentage of Deviation
	Center Township: Tracts 7-11, 17-20 Tract 2: Blocks 1-11		
75	Delaware County: Salem Township Madison County: Adams, Fall Creek, Lafayette, Stony Creek & Union Townships That part of Anderson Township which is outside the City Limits of the City of Anderson, and excluding Enumeration District 14P	47,056	+.92%
76	Madison County: That part of the City of Anderson which is within the Township of Anderson, plus Enumeration District 14P	47,066	+.95%
77	Jay County: Jefferson, Madison & Pike Townships Randolph County: Franklin, Green, Greensford, Jackson, Monroe, Union, Ward, Washington, Wayne & White River Townships Wayne County: Abington, Center, Clay, Dalton, Franklin, Green, New Garden, Perry & Webster Townships That part of Wayne Township outside the City Limits of the City of Richmond, less Enumeration District 11NA, Enumeration District 11NB, and Enumeration District 14	46,730	+.22%
78	Wayne County: The City of Richmond, plus Enumeration District 11NA, Enumeration District 11NB and Enumeration District 14 (47R not included) (Richmond Airport)	46,358	—.57%
79	Delaware County: Center Township (Pt. of Muncie) Tracts 1, 3-6, 12-16, 21 Tract 2: Blocks 12-81	46,865	+.52%
80	Delaware County: Liberty, Monroe & Perry Townships	46,550	—.16%

District No.	Description	Total Population	Percentage of Deviation
	Henry County: Blue River, Fall Creek, Harrison, Henry, Jefferson, Liberty, Prairie & Stony Creek Townships Randolph County: Stoney Creek Township		
81	Fayette County: All Henry County: Dudley Township Rush County: Noble, Richland, Union & Washington Townships Union County: Brownsville, Center, Harrison, Liberty & Union Townships Wayne County: Boston, Harrison, Jackson, Jefferson & Washington Townships (Including 47R)	46,173	—.97%
82	Franklin County: All Dearborn County: Harrison, Jackson, Kelso, Lawrenceburg, Logan, Manchester, Miller & York Townships Ripley County: Adams, Delaware, Franklin, Jackson & Laughery Townships Union County: Harmony Township	46,541	—.18%
83	Decatur County: Adams, Clinton, Fugit, Salt Creek & Washington Townships Hancock County: Blue River, Brown, Green & Jackson Townships Henry County: Franklin, Greensboro, Spiceland & Wayne Townships Rush County: Anderson, Center, Jackson, Orange, Posey, Ripley, Rushville & Walker Townships Shelby County: Union Township	46,445	—.39%
84	Hancock County: Buck Creek, Center, Sugar Creek & Brandywine Townships Shelby County: Addison, Brandywine, Hanover, Hendricks, Liberty, Marion, Moral, Shelby, Sugar Creek & Van Buren Townships	46,426	—.43%
85	Johnson County: Clark, Franklin, Hensley, Needham, Nineveh, Pleasant, Union & White River Townships	46,959	+.72%

District No.	Description	Total Population	Percentage of Deviation
	Morgan County: Clay, Jackson, Madison & Harrison Townships		
86	Marion County: Tract 420-425, 427, 701-703, 801 Tract 415: Blocks 23-25 Tract 426: Blocks 10-15, 18, 19, 22-62	46,456	—.36%
87	Marion County: Tracts 802-812, 903, 904	46,486	—.30%
88	[illegible]on County: [illegible]cts 605, 607-616, 901, 902 Enumeration Districts 140P, 141S, 141T, 142N, 142P, 143R, 144, 145N	46,460	—.35%
89	Marion County: Tracts 301-310, 602-604 Tract 601: Blocks 42, 43, 51, 58, 59 Enumeration Districts 140R, 140S	46,333	—.63%
90	Marion County: Tracts 207, 212-218, 224-227 Towns of Crow's Nest & Rocky Ripple Enumeration District 33N Tract 205: Block 1 Tract 206: Blocks 1, 2	46,582	—.09%
91	Marion County: Tracts 201-204, 209-210, 101-103, 404, 405 Tract 205 (that area outside City of Indianapolis) Tract 206 (that area outside City of Indianapolis) Tract 211 (less Towns of Rocky Ripple & Crow's Nest) Tract 403: Blocks 1-8, 29-31 Enumeration Districts 31P, 32N, 32P, 32R, 31S	46,602	—.05%
92	Marion County: Tracts 401, 402, 406-412, 417-419 Tract 403: Blocks 9-28, 32-38 & balance of tract outside City Limits of Indianapolis	46,612	—.03%

District No.	Description	Total Population	Percentage of Deviation
93	Marion County: Tracts 560-563, 566-570, 578-581 Tract 564: Blocks 27-41 Tract 565: Blocks 7-33	46,606	—.04%
94	Marion County: Tracts 413, 414, 416, 538-542 Tract 415: Blocks 1-22 Tract 426: Blocks 1-9, 16, 17, 20, 21 Tract 534: Blocks 36, 37, 45-47, 54 Tract 535: Blocks 5, 6, 8-64 Tract 537: Blocks 13-38 Tract 543: Blocks 1-49, 51-61, 65-76, 80-84 & 85 Tract 564: Blocks 1-26, 42 Tract 565: Blocks 1-6	46,524	—.22%
95	Marion County: Tract 559: 571-577 Tract 555: Blocks 40-71 Tract 556: Blocks 35-48 Tract 557: Blocks 5-12, 14, 15, 19-31 Tract 558: Blocks 12-30, 32, 33	46,426	—.43%
96	Marion County: Tracts 544-554 Tract 543: Blocks 50, 62-64, 77-79 Tract 555: Blocks 1-39 Tract 556: Blocks 1-34 Tract 557: Blocks 1-4, 13, 16-18 Tract 558: Blocks 1-11, 31	46,561	—.14%
97	Marion County: Tracts 512-516, 533, 536 Tract 501: Blocks 8-47 Tract 509: Blocks 23-32 Tract 517: Blocks 16, 17, 36-39, 53-56 Tract 532: Blocks 5-10, 19-24 32-37, 46-51, 60-65 Tract 534: Blocks 1-35, 38-44, 48-53 Tract 535: Blocks 1-4, 7 Tract 537: Blocks 1-12	46,560	—.14%
98	Marion County: Tracts 219-223, 502-504, 510, 511 Tract 501: Blocks 1-7	46,572	—.11%

District No.	Description	Total Population	Percentage of Deviation
	Tract 505: Blocks 15, 39, 40 Tract 508: Blocks 10-19, 33-38, 44 Tract 509: Blocks 1-22		
99	Marion County: Tracts 518-520, 527-531 Tract 517: Blocks 1-15, 18-35, 40-52, 57-63 Tract 521: Blocks 16-23, 33-42 Tract 532: Blocks 1-4, 11-18, 25-31, 38-45, 52-59, 66-69	46,412	—.46%
100	Marion County: Tracts 506, 507, 522-526 Tract 505: Blocks 1-14, 16-38, 41-51 Tract 508: Blocks 1-9, 20-32, 39-43 Tract 521: Blocks 1-15, 24-32, 43-47 Tract 601: Blocks 1-41, 44-50, 52-57, 60-79 Tract 601: Outside Indianapolis City Limits	46,375	—.54%

APPENDIX II

SENATE DISTRICTS

Number	Consists of House Districts
1	1 and 2
2	3 and 4
3	5 and 6
4	7 and 8
5	9 and 10
6	11 and 12
7	13 and 14
8	15 and 16
9	17 and 18
10	19 and 20
11	21 and 22
12	23 and 24
13	25 and 26
14	27 and 28
15	29 and 30
16	31 and 32
17	33 and 34
18	35 and 36
19	37 and 38
20	39 and 40
21	41 and 42
22	43 and 44
23	45 and 46
24	47 and 48
25	49 and 50
26	51 and 52
27	53 and 54
28	55 and 56
29	57 and 58
30	59 and 60
31	61 and 62
32	63 and 64
33	65 and 66
34	67 and 68

Number	Consists of House Districts
35	69 and 70
36	71 and 72
37	73 and 74
38	75 and 76
39	77 and 78
40	79 and 80
41	81 and 82
42	83 and 84
43	85 and 86
44	87 and 88
45	89 and 90
46	91 and 92
47	93 and 94
48	95 and 96
49	97 and 98
50	99 and 100